

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 THOMAS L. RINALDI
Deputy Attorney General
4 State Bar No. 206911
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2541
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2010-315**

11 **CHRISTINA MARGARET GUFLE**
12 **934 W. Princeton Street**
Ontario, CA 91762
13 **Registered Nurse License No. 562102**

A C C U S A T I O N

14 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about January 20, 2000, the Board of Registered Nursing issued Registered
23 Nurse License Number 562102 to Christina Margaret Gufler (Respondent). The Registered
24 Nurse License expired on July 31, 2009, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.
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1 4. Code section 2750 provides, in pertinent part, that the Board may discipline any
2 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
3 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
5 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
6 to render a decision imposing discipline on the license. Code section 2811(b) provides, in
7 pertinent part, that the Board may renew an expired license at any time within eight years after
8 the expiration.

9 6. Code section 2761 states:

10 "The board may take disciplinary action against a certified or licensed nurse or deny an
11 application for a certificate or license for any of the following:

12 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

13 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
14 functions.

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16 7. Code section 2762 states:

17 "In addition to other acts constituting unprofessional conduct within the meaning of this
18 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
19 chapter to do any of the following:

20 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
21 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
22 administer to another, any controlled substance as defined in Division 10 (commencing with
23 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
24 defined in Section 4022."

25 "(b) Use any controlled substance as defined in Division 10 (Commencing with Section
26 11000) of the Health and Safety Code, or any dangerous drug or device as defined in Section
27 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or
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1 herself, any other person, or the public or to the extent that such use impairs his or her ability to
2 conduct with safety to the public the practice authorized by his or her license.

3 8. California Code of Regulations, title 16, section 1443, states:

4 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
5 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
6 exercised by a competent registered nurse as described in Section 1443.5."

7 9. California Code of Regulations, title 16, section 1443.5 states:

8 "A registered nurse shall be considered to be competent when he/she consistently
9 demonstrates the ability to transfer scientific knowledge from social, biological and physical
10 sciences in applying the nursing process, as follows:

11 "(1) Formulates a nursing diagnosis through observation of the client's physical condition
12 and behavior, and through interpretation of information obtained from the client and others,
13 including the health team.

14 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and
15 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
16 for disease prevention and restorative measures.

17 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health
18 treatment to the client and family and teaches the client and family how to care for the client's
19 health needs.

20 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
21 subordinates and on the preparation and capability needed in the tasks to be delegated, and
22 effectively supervises nursing care being given by subordinates.

23 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical
24 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
25 communication with the client and health team members, and modifies the plan as needed.

26 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve
27 health care or to change decisions or activities which are against the interests or wishes of the
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1 client, and by giving the client the opportunity to make informed decisions about health care
2 before it is provided."

3 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
4 administrative law judge to direct a licensee found to have committed a violation or violations of
5 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
6 enforcement of the case.

7 DRUG DEFINITIONS

8 11. **Demerol** – is a brand name for meperidine and is a Schedule II controlled substance
9 pursuant to Health and Safety Code section 11055, and a dangerous drug pursuant to Business
10 and Professions Code section 4022. It is a narcotic indicated for the relief of moderate to
11 moderately severe pain.

12 12. **Lorazepam (generic for Ativan)** – a Schedule IV controlled substance pursuant to
13 Health and Safety Code section 11055, and a dangerous drug pursuant to Business and
14 Professions Code section 4022. It is a psychotropic drug for the management of anxiety disorders
15 and sedation or for the short-term relief of the symptoms of anxiety.

16 13. **Morphine** – a Schedule II controlled substance pursuant to Health and Safety Code
17 section 11055, and a dangerous drug pursuant to Business and Professions Code section 4022. It
18 is a narcotic analgesic used for the relief of severe pain.

19 14. **Hydromorphone/Dilaudid** – a Schedule II controlled substance pursuant to Health
20 and Safety Code section 11055, and a dangerous drug pursuant to Business and Professions Code
21 section 4022. It is a narcotic analgesic used for the relief of severe pain.

22 15. **MS Contin** – a Schedule II controlled substance pursuant to Health and Safety Code
23 section 11055, and a dangerous drug pursuant to Business and Professions Code section 4022. It
24 is a narcotic analgesic used for the relief of severe pain.

25 16. **Norco** – a Schedule III controlled substance pursuant to Health and Safety Code
26 section 11056, and a dangerous drug pursuant to Business and Professions Code section 4022.
27 Norco is a trade name for the narcotic substance hydrocodone or dihydrocodeinone with the non-
28 narcotic substance acetaminophen.

SAN RAMON REGIONAL MEDICAL CENTER

17. In 2007, Respondent was employed as a registry nurse at San Ramon Regional Medical Center (SRRMC) in the city of San Ramon, CA. At all times relevant to the charges herein, SRRMC used a computerized automated medication dispensing system called Omnicell, which is integrated with hospital pharmacy inventory management systems. The user enters a password to gain access and dispense medication from the machine. The machine records the user name, patient name, medication, dose, date and time of the withdrawal.

18. On or about April 16, 2007, Respondent was missing several hours while on duty at SRRMC and was observed exhibiting strange behavior when she returned. She was subsequently asked to submit a urine sample for a random drug screen which she refused. As a result, she was placed on a "Do Not Return" order with the nursing registry. SRRMC subsequently conducted an audit of the Omnicell system for the period of April 13-16, 2007, during which Respondent was on duty, and found the following discrepancies.

19.

PATIENT A

Physician's Post-Order Records	Omnicell Activity Report	Medication Administration Record
04-15-07	04-16-07	04-16-07
25mg Demerol IV Q4H PRN	1. 25 mg meperidine withdrawn by Respondent at 0231 hours. 2. 25 mg meperidine withdrawn by Respondent at 0658 hours.	No record of meperidine administered to Patient by Respondent for either withdrawal
<i>Total Unaccountable Drugs: Meperidine 50 mg.</i>		

PATIENT B

Physician's Post-Order Records	Omnicell Activity Report	Medication Administration Record
04-15-07	04-16-07	04-16-07
5 mg morphine IV Q2H PRN	8 mg. morphine withdrawn by Respondent at 0659 hours. 3 mg recorded as wasted at 0702 hours.	No record of morphine administered to patient by Respondent.
<i>Total Unaccountable Drugs: Morphine 5 mg.</i>		

PATIENT C

Physician's Post-Order Records	Omnicell Activity Report	Medication Administration Record
04-12-07	04-16-07	04-16-07
100 mg Demerol IM Q3H PRN	Respondent withdrew 100 mg meperidine at 0230 hours, 100 mg meperidine at 0411 hours, and 100 mg meperidine at 0655 hours.	No record of meperidine administered to Patient by Respondent. No record of waste.
04-12-07	04-16-07	04-16-07
Norco 10/325 Q3H PRN	1 tablet Norco 10/325 withdrawn by Respondent at 0510 hours.	No record of Norco administered to Patient by Respondent. No record of waste.

Total Unaccountable Drugs: Meperidine 300 mg, 10/325 Norco.

PATIENT D

Physician's Post-Order Records	Omnicell Activity Report	Medication Administration Record
04-13-07	04-13-07	04-13-08
Norco 10/325 PO Q3H PRN	1 Tablet Norco 10/325 withdrawn by Respondent at 2301 hours.	No record of Norco administered to Patient by Respondent
04-13-07	04-14-07	04-14-08
50 mg Demerol IM Q3H PRN	50 mg Meperidine withdrawn by Respondent at 0311 hours.	No record of Meperidine administered to Patient. No record of waste.

Total Unaccountable Drugs: Norco 10/325, Meperidine 50 mg.

PATIENT E

Physician's Post-Order Records	Omnicell Activity Report	Medication Administration Record
04-13-07	04-14-07	04-14-07
4 mg Morphine IV Q3H PRN	4 mg Morphine withdrawn by Respondent at 2021 hours.	No record of Morphine administered to Patient. No record of waste.

Total Unaccountable Drugs: Morphine 4 mg.

PATIENT F

Physician's Post-Order Records	Omnicell Activity Report	Medication Administration Record
04-14-07	04-14-07	05-15-08
2 mg Ativan IV PRN	2 mg Lorazepam withdrawn by Respondent at 0653 hours.	No record of Lorazepam administered to Patient. No record of waste

Total Unaccountable Drugs: 2 mg Lorazepam.

PATIENT G

Physician's Post-Order Records	Omnicell Activity Report	Medication Administration Record
04-13-07	04-15-07	04-15-07
MS Contin 15 mg Q8H PRN	1 Tablet Morphine 15 mg withdrawn by Respondent at 2220 hours.	No record of Morphine administered to Patient by Respondent
04-15-07	04-16-07	04-16-07
Dilaudid 2 mg Q3H PRN	2 mg Hydromorphone withdrawn by Respondent at 0406 hours.	No record of Hydromorphone administered to Patient. No record of waste.
	4-16-07	4-16-07
	2 mg Hydromorphone withdrawn by Respondent at 0652 hours.	No record of Hydromorphone withdrawn by Respondent. No record of waste

Total Unaccountable Drugs: 15 mg Morphine, 4 mg Hydromorphone.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Incompetence)

20. Respondent is subject to disciplinary action under Code section 2761, subdivision (a) on the grounds of incompetence as defined under California Code of Regulations, title 16, sections 1443 and 1443.5, in that between April 13-16, 2007, Respondent withdrew controlled substances involving seven patients, but failed to administer the drugs to the patients or waste the drugs. A total of 400 mg. Meperidine, 24 mg Morphine, 50 mg. Norco, 2 mg Lorazepam, and 4 mg. Hydromorphone were unaccountable from hospital records. Complainant refers to and incorporates all the allegations contained in paragraphs 17- 19, as though set forth fully.

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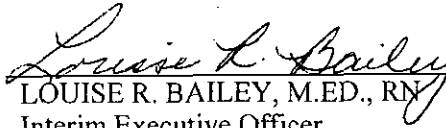
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1 2. Ordering Christina Margaret Gufler to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case pursuant to Business and
3 Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.

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6 DATED: 12/31/2009


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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